

S 17432

## CONGRESSIONAL RECORD — SENATE

December 8, 1987

strate the sincerity of these new provisions by immediately examining Naum Melman's case and determining his eligibility for an exit visa.

We thank you for your expeditious attention to this matter.

Unanimously endorsed by members of U.S. Senate.

Perhaps he will see it this time. The message is simple. Let Naum Melman go! Let the thousands of Soviet Jews who want to emigrate go as well.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine is recognized.

#### THE INTELLIGENCE AUTHORIZATION ACT OF 1988

Mr. COHEN. Mr. President, last Friday I took the floor to discuss my deep concern over a reference made by the President in his statement on signing the Intelligence Authorization Act of 1988. In that statement, he indicated that he was signing the measure with some reluctance because of a report requirement in section 501 regarding individuals approved for admission to the United States by the State Department over the objections of those in the counterintelligence community.

The President expressed the view:

... That section 501 of the bill is unconstitutional. ... the President, of course, has the exclusive constitutional authority to receive Ambassadors and other public ministers. Since the Presidency of George Washington, it has been consistently recognized that the executive branch cannot be made to disclose to the Congress information relating to actions taken pursuant to an authority assigned by the Constitution exclusively to the President. Accordingly, requiring this annual report by the Attorney General would violate long-established constitutional principles and, pursuant to my constitutional authority, I will instruct the Attorney General not to submit an annual report to the Congress pursuant to section 501. I do not, however, believe the unconstitutionality of section 501 affects the validity of the remainder of the bill.

I found that statement to be rather extraordinary, to say the least.

In my statement Friday, I took strong exception to this statement, which gave a clear indication of an intention to comply with those portions of the Intelligence Authorization Act which the President agreed with but to instruct the Attorney General not to comply with those provisions which the President disagreed with and believed to be unconstitutional. As I said then, if a President is firm in his belief that a provision of a bill sent to his desk for signature is unconstitutional, he should veto the legislation. Signing it but saying he will abide only by those provisions with which he agrees is not an option available to him.

The President has now written me to clarify his statement. His letter was hand delivered to me late Friday afternoon, and reads as follows:

Dear Mr. Vice Chairman: In view of the final paragraph of the signing statement dated December 2, 1987, with respect to section 501 of the Intelligence Authorization

Act, fiscal year 1988, and in order to avoid any misunderstanding or misapprehension, that paragraph does not instruct, and was never intended to instruct, the Attorney General to disregard valid Federal law, but to emphasize my constitutional concerns with respect to section 501. I have instructed my staff to examine this issue further to determine if these constitutional concerns can be eliminated and to work with the Senate Intelligence Committee in that regard.

Sincerely,

(Signed by RONALD REAGAN).

I look forward to working with the President and other administration officials in the effort to find a mutually agreeable framework for compliance with section 501.

As I indicated last Friday, the Intelligence Committee had worked very closely with the entire administration to come up with language that we believed was acceptable to the administration. We were taken by complete surprise when someone in the Justice Department voiced concern at the final moment just as the President was about to sign the legislation itself.

I welcome the President's letter of clarification. My hope is that in the future those in the Justice Department or in other branches of the administration who have concerns on any matter affecting the intelligence-gathering capability of this country voice those concerns to us in advance so we may take them into account as we work our way through the legislative process. Coming in at the last minute and giving the President what I consider to be extraordinarily bad advice does not serve him well.

I appreciate the President's clarification on the issue. I intend to see to it that a framework is developed and established which will permit us to exercise effectively our oversight responsibilities and to reduce the espionage threat that continues to face our country.

#### PROTECTING THE OZONE LAYER FOR THE FUTURE

Mr. WIRTH. Mr. President, I would like to share with my colleagues excerpts from a recent article in Sports Illustrated about the depletion of the ozone layer, which shields the Earth and all living things from the Sun's ultraviolet radiation.

This article paints an ominous picture for the future of life in this country and around the globe if we do not act now to curb the use of ozone-depleting chemicals. We must also accelerate our Nation's research on the question of global warming, so that we can begin to identify policies to protect our global environment.

The Congress and the administration must begin now to develop creative strategies to protect the Earth's delicate ozone layer.

I ask unanimous consent that two excerpts from this article be printed in The Record.

There being on objection, the articles were ordered to be printed in the Record, as follows:

(From Sports Illustrated, Nov. 16, 1987)

#### EXCERPT

The second hurricane of the year has struck the East Coast. The 15-foot seawalls built to protect Baltimore, Philadelphia, New York and Boston held against 12-foot tides, but a 25-foot storm surge swept over the eastern tip of Long Island, drowning 260 residents who has refused to leave their homes despite a federal evacuation order. The toll of dead on Martha's Vineyard, Nantucket and Cape Cod is estimated at 50. The 310 fatalities are still far fewer than the 5,600 people who drowned in last month's hurricane in south Florida.

Twenty-two inches of rain from the hurricane flooded Washington, D.C., breaking the heat wave that had gripped the city for 82 straight days of 90-plus temperatures. This fell short of the record set eight years ago when 72 consecutive 90-plus days caused the mover of the nation's capital to the cooler environs of Marquette, Mich.

In Sepulveda, Calif, neighbors hammered an elderly widow to death when they learned she had been secretly watering a pot of geraniums. A footnote to this grim story: The woman's husband had died of thirst during the California drought of 1998.

Food riots broke out in France, where vineyards and farmlands have turned arid amid the rising temperatures.

Dust bowl conditions continue in the Plains States of the U.S., but orange production is up in Saskatchewan. In eastern Siberia the outlook for a good cotton harvest is promising.

In Stowe, Vt., botanists announced the death of the last red spruce. The species' demise is blamed on a combinations of stresses—acid rain, global warming and ultraviolet radiation.

In baseball, the Anchorage Braves beat the New York Mets 5-3. In Los Angeles, the Dodgers' game against the Calgary Giants, scheduled for the usual 5:30 a.m. start, was postponed because of dust storms.

And now the weather. After leaving a swath of destruction in its wake along the East Coast, Hurricane Bruce is expected to move out to sea during the night. In the Midwest, Southwest and West, conditions remain normal—searing heat, drought and dangerous levels of ultraviolet radiation.

#### DIRE FORECAST

Fortunately, it's still possible to ameliorate the damage. Here's what we must do:

Reduce production of CFCs by 95% worldwide within the next six to eight years. Chafee and Baucus have introduced bills calling for such a reduction. Last winter Chafee told CFC manufacturers, "If the six-to-eight-year phase-out in our bills is unrealistic, tell us how much time you need and show us how you will use that time. We are open to suggestions, but the burden is on you to justify a longer time frame. ... Undoubtedly there will be testimony that we cannot ratchet down on production of CFCs too swiftly. It is well to recall that the ban on aerosols in the U.S. caused production of CFCs for aerosols to drop ... to less than 25 million pounds ... six years later. And our country survived. I am not convinced that American or any other producers have a constitutional right to continue to produce products that cause permanent harm to our world, to our citizens."

In September the U.S. and 23 other countries signed a treaty calling for a 50% cut in CFC production by mid-1999, but the new